



# U.S. DEPARTMENT of STATE

## Mozambique

### Country Reports on Human Rights Practices - [2004](#)

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Mozambique is a republic with a constitutional government, headed by President Armando Guebuza who was elected in December in generally free and fair elections that were marred by some irregularities. The irregularities did not affect the outcome of the presidential election, but did result in the opposition losing two or three seats in the National Assembly. The Front for the Liberation of Mozambique (FRELIMO) won 160 seats in the 250-seat National Assembly, and the opposition coalition of the Mozambique National Resistance-Electoral Union (RENAMO-UE) won the remaining 90 seats. FRELIMO has ruled the country since independence in 1975, dominating both policymaking and implementation. The Constitution provides for an independent judiciary; however, the executive branch dominated the courts. The courts lacked adequate resources, were chronically understaffed, susceptible to corruption, and largely ineffectual.

The forces responsible for internal security under the Ministry of Interior (MOI) include: The Criminal Investigation Police (PIC), the Mozambican National Police (PRM), and the Rapid Intervention Force (FIR). The political opposition claimed that the FIR operated in support of the ruling party. An additional security body, the State Information and Security Service (SISE), reports directly to the President. The military, which is responsible for both internal and external security, continued to suffer from lack of funds. While civilian authorities generally maintained effective control of the security forces, there were some instances in which members of the security forces acted independently of government authority. Members of the security forces committed serious human rights abuses.

The economy was market-based and gross domestic product growth for 2003 was approximately 7 percent. The country had a population of approximately 18.5 million. Nearly 80 percent of the workforce was employed in agriculture, mostly on a subsistence level; however, high unemployment and underemployment in the formal and informal sectors continued. The poverty rate fell from 69 percent in 1996 to 54 percent during the year; however, food insecurity continued in many regions due to poor climactic conditions. The industrial and agricultural minimum wage kept pace with inflation; however, the wages of most salaried workers—such as police, teachers, and government workers—did not keep pace with inflation. Corruption continued to be a problem in the public and private sectors; however, the Government took steps to address it during the year. HIV/AIDS had a growing impact on the economy, particularly in the depressed port city of Beira, where prevalence reached 30 percent.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Police continued to commit numerous abuses, including unlawful killings, beatings in custody, and arbitrary arrests and detentions. Prison conditions remained extremely harsh and life threatening; several prisoners died due to the harsh conditions. Despite efforts to clear long-standing case backlogs, prison overcrowding was widespread and lengthy pretrial detention was common. Police harassed and arbitrarily detained journalists. The Government at times infringed on freedom of movement. Domestic violence against women, as well as widespread discrimination against women in employment and property rights, remained significant problems. The abuse and criminal exploitation of street children, including child prostitution, continued in urban areas. Trafficking in women and children was a problem. Discrimination against persons with disabilities and child labor remained problems.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by the Government or its agents during the year; however, there continued to be reports of unlawful killings by security forces.

In March, police in Matola shot and killed two young men who were suspected of being car thieves. Police had not announced by year's end whether they were investigating the incident.

The Mozambican League of Human Rights (LDH) released a report in 2003 that alleged that from 2000 to 2002, the police

continued to harbor "squadrons of death" that were responsible for summary executions and operated with impunity. The report cites activities in the Maputo suburbs of Matola Rio, Boane, and Costa do Sol.

In May, LDH reported that at the maximum-security jail in Beira, Sofala Province, police shot and killed a prisoner, Mjdane Pedro, while he was allegedly trying to escape. In a separate incident, three other prisoners--Tom Daimone, Thimba Machava and Faustino Silva--were shot and killed for disobeying prison authorities. All four cases were under official investigation by provincial authorities at year's end.

No action was taken against the guard who in March 2003 transferred three inmates into a smaller cell in Mogovolas district; the inmates died of suffocation.

In January, police declined to initiate a formal investigation into the shooting death of four persons detained in a police station in the southern city of Matola in November 2003. The situation in Montepuez remained tense because the Government refused to reveal publicly the names of the more than 100 detainees who were jailed for participating in a RENAMO protest march and subsequently died of asphyxiation in 2000.

Unlike the previous year, there were no reports that police killed persons during demonstrations.

In September 2003, members of the Community Police shot and killed 13-year-old Aderito Francisco Cumbe in the Maputo neighborhood of T3. According to the police, random bullets hit the boy when the police were trying to scare away persons who had raided a house.

Extremely harsh prison conditions, often leading to serious illness, continued to result in the deaths of several persons in custody (see Section 1.c.).

The Government continued to cooperate with international organizations in de-mining efforts to remove the hundreds of thousands of mines planted between 1960 and 1990. The National De-mining Institute (IND) recorded 6 deaths resulting from landmine accidents in 2003, although IND believes the figure may not be accurate due to the difficulty in gathering data nationwide. During the year, there were 3 mine-related deaths and 25 mine casualties were reported to IND, the majority in Sofala province. Representatives of several nongovernmental organizations (NGOs) working in the de-mining field believed that IND's data collection was inadequate, and that the actual death and casualty numbers were at least twice as high as reported.

The slow progress in the investigation into the 2001 killing of the Banco Austral manager Antonio Siba-Siba Macuacua continued to receive widespread media coverage as an example of the difficulty of confronting corruption. Press reports have linked high-level government officials to the case. The PIC continued to investigate the crime, but no charges were filed by year's end.

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with the rising incidence of crime. During the year, mob violence resulting in the deaths of suspected criminals was reported throughout the country. On October 23, an angry crowd in the small town of Maxixe, Inhambane attacked the home of two brothers suspected of murdering a local businessman. After intervention by the police, the crowd was dispersed without any fatalities taking place. On November 10, a mob in Maxixe reportedly with many of the same individuals attacked the house of a local businessman, under the pretense that he was involved in trafficking in body parts. Police killed two individuals and wounded several others during a shootout with the mob.

#### b. Disappearance

There were no reports of politically motivated disappearances.

Unlike in the previous year, no criminal suspects disappeared and there were no reports that armed RENAMO members kidnapped members of FRELIMO.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution expressly prohibits such practices; however, police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, and extortion remained problems. During the year, human rights advocates reported complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats.

There were reports that police abused prostitutes and street children (see Section 5).

Political party members attacked and beat members of other political parties during the year (see Section 3).

Prison conditions were extremely harsh and life threatening. Two National Directorates of Prisons (DNPs), one under the Ministry of Justice (MOJ) and the other under the MOI, operated prisons in all provincial capitals. Approximately 7,180 detainees

were held in jails and prisons administered by the MOJ during the year. Most prisoners received only one meal per day, consisting of beans and flour. It has been customary for families to bring food to prisoners; however, there were occasional reports that guards demanded bribes in return for allowing the delivery of food to the prisoners.

There continued to be many deaths in prison, the vast majority due to illness and disease; however, some prisoners reportedly died from poisoning during the year. In a series of prison visits conducted in 2003 and during the year, the LDH found many health problems among prisoners due to overcrowding and poor to non-existent medical care. Healthy prisoners and sick prisoners were regularly kept in the same cells; in Nampula, prisoners suffering from skin diseases, malaria, and tuberculosis were kept together with healthy prisoners.

Overcrowding in prisons was a serious problem. In September, in Maputo Central Prison the LDH found there were 2,538 detainees in a facility built for 800. In Gondola, Manica Province, and in Moatize, Tete Province, the two jails visited were holding twice as many as the facilities were meant to hold. Beira Central Prison received a large amount of negative publicity during the year, including reports that it had more than 700 inmates housed in a facility built for 120 and significant health problems, including the spread of HIV through unwanted sexual encounters.

The Penal Code stipulates that the legal minimum age for detention is 16 years; however, in a visit conducted in January by LDH to Maputo Central Prison and Maputo Civil Jail, the LDH found at least three cases of minors in detention awaiting trial for petty crimes, some for more than a year. LDH considered this to be typical of prisons across the country.

MOI and MOJ facilities, while separate, often were connected physically. Military and civilian prisoners were held in the same prisons.

Women were held in separate areas of prisons from men. Prisons occasionally housed young children, usually infants, brought there by mothers sentenced for long periods when no other caregivers were available. There were documented reports that minors under the age of 16 were housed with adults in the general population.

In MOI facilities, detainees who had not yet been charged were held with prisoners sentenced for serious offenses that specify maximum security. In MOJ facilities, detainees who had been charged but not yet tried were held with prisoners who had been tried and sentenced to prison for relatively minor cases where moderate security imprisonment was deemed sufficient.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cited unsanitary conditions or security risks as reasons to delay or cancel visits. During the year, the LDH visited several jails and prisons in the Maputo area and in the provinces. During the year, the National Assembly's Legal Affairs Committee and a group of local lawyers conducted separate visits to prisons in Beira and Maputo.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, in practice the police continued to arbitrarily arrest and detain citizens.

The police were poorly paid, received no raises during the year despite 13 percent inflation, and lacked professionalism. Corruption extended throughout the ranks, and police used violence and detention to intimidate persons from reporting abuses. Police reportedly extorted money from street vendors, many of whom were widowed or divorced women, sometimes beat the women and stole their merchandise. The investigative unit of the police, the PIC, was often criticized for impeding criminal investigations.

Security officials often detained persons for spurious reasons and demanded identification documents, which must be carried by citizens at all times, for the sole reason of extorting payments (see Section 2.d.). Many victims chose not to seek police assistance because of police demands for bribes or a lack of confidence that the police would help. Increased human rights awareness campaigns broadcast on national television by the anti-corruption NGO Etica have resulted in a perception that such cases are decreasing.

Professional training for new police officers increased during the year; approximately 500 officers from across the country received human rights training.

Under the Penal Process Code, only persons caught in the act of committing a crime can be held in detention; however, this provision was seldom enforced. Under the law, the maximum length of investigative detention is 48 hours, during which a detainee has the right to judicial authorities review of the case, after which the detainee can be detained up to another 60 days while the case is investigated by the PIC. In certain cases where a person is accused of a very serious crime, detainees may be held up to 252 days. The law provides that if the prescribed period for investigation has been completed, and no charges have been brought, the detainee must be released. However, MOJ officials noted that some police lacked adequate training and did not know how to charge a person properly. In many cases, the authorities either were unaware of regulations or ignored them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends.

The bail system remained poorly defined, and prisoners, their families, and NGOs continued to complain that police and prison officials demanded bribes to release prisoners.

The Supreme Court Commission for Strengthening of the Law tried to address the problem of overcrowding of jails and prisons by proposing a series of measures, including conversion of sentences to fines and suspension of sentences for those charged with crimes with maximum sentences of less than 2 years of jail. However, many public figures suspected that certain criminals might benefit from these changes by bribing judges in lieu of paying fines or serving sentences. The Commission's recommendations have not yet been implemented, but are supposed to be considered by both the National Assembly and the Attorney General's office in early 2005.

There were several reports that police harassed and arbitrarily detained journalists (see Section 2.a.).

There were reports that detainees spent longer in pretrial detention than the sentence they received. The law provides suspects with the right to be brought before a magistrate within 48 hours of being detained; however, this often was not enforced. In June 2003, members of the National Assembly's Legal Affairs Committee reported that four detainees had been held for more than 4 years and another four for more than 5 years without their detention ever having been formalized. The parliamentary committee also found that 33 inmates had been held illegally for periods in excess of 2 months without being brought before a magistrate.

Due to lack of resources, Maputo city judicial authorities stopped holding expedited trials at the central prison and the top security prison. The expedited trials had previously been done in an effort to reduce overcrowding and prolonged pretrial detention.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however the executive, and by extension the FRELIMO party, continued to dominate the judiciary, which was understaffed and managed by inadequately trained appointees. The judicial system suffered from a lack of transparency and often did not act in compliance with the principles of promotion and protection of human rights. Of the 128 districts in the country, only 92 had functioning courts, leaving the remainder with no formal courts at the district level.

Although salaries for judges and court staff were increased in 2003 in an effort to combat corruption, bribe-taking, chronic absenteeism, unequal treatment, deliberate delays and omissions in handling cases continued to be problems during the year. The Anti-Corruption Unit (UAC) in the Attorney General's office reported that there were 116 reports of allegedly corrupt acts, primarily accepting bribes from defendants and siphoning public funds, by judges and government officials in 2003. In 2003, only three persons were brought to trial in such cases and none were found guilty.

Justice Mario Mangaze, the President of the Supreme Court, presided over the Higher Judicial Magistrates' Council (CSMJ), the body responsible for overseeing professional behavior among magistrates, which in 2003 initiated 21 disciplinary proceedings against 9 judges and 12 law officers. Disciplinary action by CSMJ reportedly decreased during the year. CSMJ regulations allow judges who have been accused of misconduct to appeal decisions and also provides for the immediate removal of judges whose appeal is denied.

The President of the Republic appoints the president and vice president of the highest tribunal, the Supreme Court. Supreme Court nominations initially are prepared by CSMJ, which submits a list of qualified potential Supreme Court nominees to the President. CSMJ members are elected by their peers: Four are elected by the National Assembly and two are appointed by the President; members tended to be either FRELIMO members or FRELIMO-affiliated. No National Assembly approval is needed for other judicial appointments, which are also appointed by the President.

There are two complementary formal justice systems: The civil/criminal system and the military system. The Supreme Court administers the civil/criminal system and the Ministry of National Defense administers the military courts. Civilians are not under the jurisdiction of, or tried in, military courts. The Supreme Court also hears appeals, including military cases. Below the Supreme Court there are provincial and district courts. There are appeals courts in all provinces; however, few of these courts were staffed by formally trained judges. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court, the customs court, and the maritime court. A Constitutional Council was charged with determining the constitutionality of laws and decrees, supervising the electoral process, declaring and validating electoral results, and ruling on electoral disputes. Persons 16 years and younger fall under the jurisdiction of a court system for minors, and the Government can send minors to correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems were ineffective due to a lack of qualified professionals.

Persons accused of crimes against the Government were tried publicly in regular civilian courts under standard criminal judicial procedures. A judge may order a closed trial because of national security interests or to protect the privacy of the plaintiff in cases concerning sexual assault. The Supreme Court has original jurisdiction over Members of Parliament and other persons who are immune from trial in the lower courts.

In regular courts, all accused persons in principle are presumed innocent and have the right to legal counsel and appeal; however, authorities did not always respect these rights. Although the law specifically provides for public defenders, such

assistance generally was not available in practice, particularly in rural areas, and most citizens were unaware of this right and did not possess the means to obtain any form of legal counsel. A study by the University of Eduardo Mondlane, released in December, indicated that 90 percent of the 2,700 prisoners in Machava Prison (Maputo Province) did not have access to legal counsel. Some NGOs continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

Although there was a 30 percent increase in the number of attorneys in the country over the past 2 years, the increase in young attorneys was not sufficient to address the immediate need for qualified judges and other judicial personnel. Of the 186 judges nationwide, fewer than 50 had law degrees, even though the law requires it.

Outside the formal court system, a number of local customary courts and traditional authorities adjudicated matters such as estate and divorce cases. These courts were staffed by respected local arbiters who had no formal training but who exercised a substantial judicial and executive role.

There were no confirmed reports of political prisoners; however, RENAMO continued to claim that all persons held in connection with the 2000 nationwide demonstrations were political prisoners, and continued to consider those convicted and sentenced also to be political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; however, opposition party members alleged that government intelligence services and ruling party activists monitored telephone calls, conducted surveillance of their offices, followed the movements of opposition members, used informants, and attempted to disrupt party activities in certain areas of the country such as Montepuez and Nampula provinces. By law, police need a warrant to enter homes and businesses, and also to monitor telephone calls.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, in practice there were some restrictions on these rights. Police harassed and arbitrarily detained journalists; however, unlike in previous years, there were no reports of violence against journalists. Journalists generally practiced self-censorship regarding politically sensitive issues.

There were five independent weekly newspapers published in Maputo and six other independent weekly journals published in provincial capitals. Only a small minority of the population received news directly through the print media.

The daily newspapers Noticias and Diario de Mocambique, and the weekly newspaper Domingo, largely reflected the views of the ruling party; however, these media sources also demonstrated a willingness to critically examine government actions. For example, in June and July, all of these newspapers provided extensive coverage of the Government's conflict with a group of retirees over an extended dispute over pensions. Nonetheless, many observers believed that these newspapers focused more on highlighting government projects and accomplishments, especially near elections.

Government stations were the only broadcasters capable of countrywide transmission; however, there were local and independent broadcasts in most urban areas, and the number of radio stations increased markedly during the year. Government media continued to show greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most widely broadcast source of information, is government-owned; however, its news coverage generally was considered unbiased and fair. Radio Mozambique regularly broadcast public debates on key issues that included a variety of participants with differing opinions.

In addition to Radio Mozambique, there were 43 community-based, 4 religious, and 16 commercial private radio stations, most of which used local languages in addition to Portuguese and which covered most of the country. This reflects a nearly 200 percent increase in community-based radio and a significant increase in commercial radio during the year.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government. For example, in July TVM refused to broadcast nine commercials already paid for by author Bernabe Ncomo, who had written a book that contradicted the official FRELIMO version of history regarding the independence struggle. TVM returned the money to Ncomo, alleging that the commercial contained political campaign messages; however, the newspaper Savana later published the text of the commercial that appeared to have no political content.

Portuguese Television for Africa (RTP Africa), a station owned by the Government of Portugal, also transmitted throughout the country. Privately owned television transmission continued to be limited to Maputo.

International media were allowed to operate freely; however, they were comprised mostly of broadcast media. Foreign radio programs reached all major population centers and reported local news via local part-time reporters. The British Broadcasting Company (BBC) and the Radio Difusao Portugal (RFI) carried news in Portuguese but broadcast most of the day in English and

French, respectively. The only international print medium operating was LUSA, the Portuguese News Agency. International television news was available via cable in Maputo and via satellite nationwide.

Police and other officials harassed and arbitrarily detained journalists during the year. For example, on May 1, the district administrator in Mocuba, Zambezia Province, indefinitely suspended Oliveira Malei, a reporter and newsreader from Licunga Community Radio, for criticizing both the poor state of roads in Mocuba and the town's funeral services. Malei was compulsorily transferred to the Zambezan provincial capital, Quelimane, where he was confined in an abandoned storehouse. A reporter from the newspaper Noticias visited Malei in confinement and reported he had malnutrition and malaria.

While criticism of the President was not prohibited, the law provides that in cases of defamation against the President, truth is not a sufficient defense. This law was not tested in court during the year and the provision was not invoked, despite considerable verbal and written criticism of the President.

No libel charges were filed against any news medium during the year.

In January 2003, six men, led by Anibal Dos Santos Jr., commonly known as "Anibalzinho," were sentenced to prison terms ranging from 23 to 28 years for the 2000 execution-style shooting of Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency Metical.

On May 9, Anibalzinho escaped from prison for the second time in less than a year and was later found in Canada. All local and international media outlets—print, television, and radio—covered the Anibalzinho case closely during the year. Most news outlets also covered the politically sensitive link between Anibalzinho and Nyimpine Chissano, the President's son, who many alleged was connected to the Cardoso case. In December, the Canadian Government decided to deport Anibalzinho in early 2005. On December 16, the Supreme Court decided to declare a re-trial of Anibalzinho, a decision that effectively re-opens the unresolved Cardoso case. All the major news outlets in the country reported this situation in detail.

The media reported freely on the voter registration process, with special attention paid in September to first-time registration of voters outside the country. Media coverage of the presidential election campaign was widely considered to be more even-handed than during the previous presidential election in 1999, even among the government-aligned media outlets. Minor party candidates received regular daily coverage along with the major candidates from FRELIMO and RENAMO. Despite this, RENAMO has made many complaints about TVM's campaign coverage being biased. Journalists were able to cover the campaign and the two election days without substantial difficulty.

The Government did not limit access to the Internet, and a growing number of Internet service providers operated during the year.

The Government generally did not restrict academic freedom; however, there were reports that teachers at the university, secondary, and primary school level felt compelled to lead campaign activities for FRELIMO, particularly in the central and northern provinces. Many teachers were asked to teach children the FRELIMO campaign song in school rather than the national anthem. There were also reports of teachers in secondary and primary school not being hired because of their known political affiliations.

In August, after Eduardo Namburete, dean of the communication school and press officer for the state-run University of Eduardo Mondlane, declared that he would work for the opposition party RENAMO in the election campaign, he was forced by university administrators to step down from his position as head of the communication school and the press office, but retained his status as a professor at the university. In December, Namburete was elected to the National Assembly as a RENAMO parliamentarian.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, authorities used force to disperse several demonstrations during the year. The law regulates public demonstrations but does not apply to private gatherings held indoors and by individual invitation, nor does it affect religious gatherings or election campaigning.

In early 2003, the Madjermans, a group of several hundred Mozambican citizens who worked in the former East Germany in the 1990s, began regular Friday demonstrations to protest the Government's refusal to pay pensions that the group claimed were owed to them. Police officer Albitro Curva remained in prison awaiting trial for the shooting death of Virgilio Amade during a Madjermans demonstration in September 2003. Following the shooting, the police and leaders for the Madjermans signed an agreement to regulate future demonstrations. In July 2003, police dispersed a group of Madjermans who were preparing for their Friday march; seven were injured. The authorities had imposed a restriction on circulation on main streets of Maputo during the African Union summit, which was seen to override the previously signed agreement.

Police continued to crack down on Madjermans marches during the November 2003 electoral campaign, accused participants of tearing down FRELIMO electoral posters, and arrested Madjermans leader Alberto Mahuai, who was detained and interrogated for 3 days. Marches stopped after this detention, but weekly marches resumed in April. On June 30, the Madjermans demonstrators escalated their protest by occupying part of the National Assembly building. The demonstrators left peacefully

after meeting with a government official, but claiming their concerns were being ignored, forced their way into the German Embassy on July 13. A group of 41 Madjermanes occupied the German Embassy for 4 days. After negotiation with the German Embassy staff, the demonstrators left peacefully, and local police who were on guard did not harm anyone. The pension issue has still not been resolved by year's end.

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. A political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and must secure at least 2,000 signatures of citizens to be recognized (see Section 2.c.). There were 41 registered political parties, 6 of whom registered during the year.

A government decree regulates the registration and activities of foreign NGOs. Non-political foreign NGOs and religious organizations are required to register with the Minister of Foreign Affairs and Cooperation (MFA), providing significant detail on their organization's scope, staffing, and finances. Domestic NGOs must register with the MOJ. The registration process for foreign NGOs was not transparent and regularly took several months. Some NGOs have reported that they had to make illegal payments in order to stay in operation.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law requires religious institutions and missionary organizations to register with the MOJ, reveal their principal source of funds, and provide the names of at least 500 followers in good standing. The Christian Council reported that not all religious groups registered, but that unregistered groups worshiped unhindered by the Government.

Occasionally missionaries were received with hostility. For example, in July, 15 foreign missionaries were expelled from the northern town of Montepuez by the local government on suspicion of being RENAMO spies; however, they re-established their activities in other parts of the country. At times tensions were high as a result of the activities of foreign Christian missionary groups in the majority Muslim northern provinces.

The law governing political parties specifically forbids religious parties from organizing, and any party from sponsoring religious propaganda. The Independent Party of Mozambique (PIMO), a predominantly Muslim group without representation in Parliament, took positions based on Muslim religious principles, advocated moral behavior, and criticized the Government for corruption. PIMO and its presidential candidate, Ya'qub Sibindy, were able to campaign during the year without hindrance from the authorities.

Most places of worship nationalized by the Government have been returned to their respective religious organizations; however, the Catholic Church and certain Muslim communities complained that some other properties such as schools, health centers, and residences unjustly remained in state hands and continued to request their return. The Directorate for Religious Affairs is mandated to address the issue of the return of church properties. The return of properties such as schools and health clinics has been delayed because of the Government claims that it needs time to construct new facilities.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41617.htm).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, at times the Government infringed upon them.

Police traffic checkpoints established for safety or security concerns occasionally affected freedom of movement. To reduce harassment and confiscation of travelers' possessions at the borders, customs supervisors levied disciplinary fines and fired abusive customs agents. In large cities, the police often stopped foreign pedestrians and ordered them to present original passports or resident papers, sometimes refused to accept notarized copies, and fined or detained those who failed to show proper documents (most persons do not carry the originals of documents due to the risk of theft). Police also detained local citizens routinely for failure to carry identity papers and extorted bribes (see Section 1.d.).

The Constitution prohibits exile, and the Government did not use it.

The law provides for the granting of refugee status or asylum in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has established a system for providing protections to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum in principle, but this right was not always respected in practice. Many refugees who have received certification from UNHCR have had difficulty receiving refugee certification from the Government. This has impeded the refugees' ability to gain employment and move freely within the country. Media reports suggested that only 850 of the over 8,000 reported refugees in country have received refugee status from the Government's refugee certification agency, INAR. Media reports have also accused INAR officials of extracting bribes from refugees in exchange for certification.

As of December, the estimated population of refugees was 8,100. The majority, 4,500, were at Marratane refugee center near Nampula; over 60 percent of the refugees were men. There were 16 nationalities represented at the camp, with over 90 percent from the Democratic Republic of the Congo, Burundi, and Rwanda. Refugee camp conditions met minimal standards, although some refugees claimed to fear attack by fellow refugees on the basis of ethnicity. Conflicts among rival Congolese groups and between Rwandans and Congolese were reported by UNHCR during the year, but no acts of physical violence were reported.

In December 2003, the Government, UNHCR, and the Government of Rwanda signed a tripartite agreement that would allow for the voluntary repatriation of the approximately 1,000 Rwandan refugees in the country. However, only a handful of Rwandan refugees have been repatriated by year's end.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

During the year, citizens freely exercised their right to vote in the country's third multiparty general elections. Voting day procedures generally followed international norms; however, the political campaign season and the vote count were marred by irregularities in isolated parts of the country.

Tensions between supporters of the two major parties, RENAMO and FRELIMO, continued throughout the year. The most notable incident occurred in July in Inhalinga, Sofala Province, when local police detained two RENAMO members for beating up a FRELIMO delegate and his wife. In reaction, a large crowd of RENAMO members stormed the police station and released the suspects. This led to a response by a large contingent of the FIR police fighting with RENAMO loyalists over the next 3 days. At least one FIR member was killed, but no RENAMO loyalists were killed in the altercation. In subsequent months, there were reports of further altercations between RENAMO and the FIR in Sofala, leading to injuries but no deaths.

There were also several reports that FRELIMO loyalists in Tete Province destroyed a local RENAMO party headquarters, with no response by law enforcement.

The 40-day campaign season leading up to the general elections was mostly peaceful, reportedly more so than previous campaigns, but observers reported multiple incidents in which members of one party were harassed and beaten by members of another party, particularly in rural areas. Altercations generally involved rock throwing, fistfights, and destruction of property; no killings were reported. Police generally declined to intervene in disputes, siding de facto with the aggressor party. FRELIMO used significant federal funds and resources for campaign purposes, in violation of election law.

The elections held on December 1 and 2, were peaceful. Voter turnout was lower than in past presidential elections, estimated near 40 percent. On December 22, Armando Guebuza of FRELIMO was declared the winner with 64 percent of the vote, compared with 32 percent for Afonso Dhlakama of RENAMO; three minor parties received the remaining votes. The National Elections Commission managed the voting process; the Commission consisted of a FRELIMO majority and a RENAMO minority. In several cases, the election authorities were not able to get voting materials to rural areas, many of which were predominantly pro-RENAMO, by the morning of December 1, which reduced the ability for some to vote. Election observers were allowed to observe the voting process and vote tabulation at the polling stations on December 2, but were not always able to watch the subsequent vote counting at the provincial or national level, leaving open the possibility of fraud. In some cases, most notably in Changara district of Tete province, and also in parts of Niassa and Gaza provinces, reported results implied unrealistically high voter turnouts and caused journalists and observer missions to allege pro-FRELIMO ballot-stuffing. However, the final presidential and legislative election results closely tracked the parallel vote counts carried out by observers. Guebuza and FRELIMO won the elections with a large majority of the vote. Observer missions and journalists alleged that irregularities in Tete Province appeared to have been significant enough to tilt that province's representation in the National Assembly more strongly in favor of FRELIMO.

In late December, RENAMO issued complaints of election fraud to the National Election Commission, asking for a repeat of the election. The Commission rejected RENAMO's major claims but did recognize that some problems had taken place, and did alter the results in Zambezia province, switching one National Assembly seat from FRELIMO to RENAMO. Also, the Commission forwarded cases of fraud in Tete to the provincial prosecutor's office for possible further action but did not alter the results. RENAMO has since forwarded its complaints to a Constitutional Council for further review.

The November 2003 municipal elections were considered by international observers to be generally free and fair; however, there were concerns about irregular vote counts in the Beira municipal election, which took 3 weeks to resolve before RENAMO was finally determined the winner. In the end, FRELIMO won 28 and RENAMO 5 of the country's 33 municipalities. Voter turnout was low throughout the country, estimated by the Government at 24 percent. Smaller parties participated in the elections, but received few votes.

Throughout the year, there was an intense national debate over the enfranchisement of emigrants. FRELIMO officially supported the right of emigrants to vote; however, most opposition parties, including RENAMO, were suspicious of FRELIMO's willingness to operate the country's embassies impartially, and therefore advocated denying emigrants the franchise. In July, the National Electoral Commission decided that Mozambican expatriates in South Africa, Swaziland, Malawi, Tanzania, Kenya, Zimbabwe,



Zambia, Portugal, and Germany would be registered to vote for the first time in the nation's history. During the September registration period, over 47,000 new voters were registered in these countries, nearly 70 percent of them in South Africa. Reports indicated that only FRELIMO had a significant organizational presence in this registration process.

From June 28 through July 15, citizens were able to register for the December elections. This time period was smaller than the 30-day period available in past years, leading to complaints by opposition parties (particularly RENAMO) that they did not have sufficient time to get all the voters in their rural base registered.

Corruption was widely perceived to be endemic in the executive and legislative branches, particularly among the various ministries. Much of the public discussion on corruption still focused on older high profile cases, such as the murders of journalist Carlos Cardoso and banker Antonio "Siba-Siba" Macuacua in 2000 and 2001, respectively. New cases of corruption were slowly coming to light. The Anti-Corruption Unit (UAC) in the Attorney General's office was actively investigating public siphoning of funds by high-ranking officials in various ministries; however, no new charges were filed during the year. In August, the National Assembly passed a revised corruption law, which many observers believe will make it easier to investigate and prosecute corruption by government officials.

The UAC continued investigating several public figures, including the Director of the National Institute of Social Action (INAS), an organization under the Ministry of Women and Social Action created to provide government assistance to economically vulnerable populations, for siphoning of public funds during the year. No new charges were filed during the year. During the year, the UAC extended its activities outside of the capital by opening regional offices in Beira and Nampula.

There are no laws providing for the right of public access to information and in practice the Government restricted citizens right to public information.

Prior to the December elections, there were 102 women in the 250-member National Assembly, and women held 3 of the 23 ministerial positions and 5 of the 18 vice ministerial positions in the Cabinet. In the December elections, 87 women were elected to the National Assembly. The female Minister of Planning and Finance, Luisa Diogo, also assumed the role of Prime Minister, generally considered the second most powerful position in the Government. FRELIMO's policy mandated that at least 30 percent of the party's two governing bodies must be women. During the year, the Political Commission and Central Committee fulfilled this mandate.

Members of many ethnic groups held key positions in both the legislative and executive branches; there was no compelling evidence that specific ethnic groups were excluded. Leadership positions within FRELIMO traditionally have been dominated by the Shangaan ethnic group, while those in RENAMO traditionally have been dominated by the N'dau ethnic group.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases; however, registration procedures for NGOs were often lengthy. While the Government did cooperate with NGOs, many NGOs believed that the Government was slow to respond to their requests. The Government responded to human rights-related inquiries from the LDH, Etica, and other NGOs on a case-by-case basis.

#### Section 5 Discrimination, Social Abuses, and Trafficking in Persons

The Constitution forbids discrimination based on race, sex, or disability; however, in practice discrimination against women, persons with disabilities, and persons with HIV/AIDS persisted.

##### Women

Although official statistics were not kept, reports indicated that domestic violence against women--particularly spousal rape and beating--was widespread. Many women believed that their spouses had the right to beat them, and cultural pressures discouraged women from taking legal action against abusive spouses. Hospitals usually did not attribute evidence of physical abuse to domestic violence. There is no law that defines domestic violence as a crime; however, laws prohibiting rape, battery, and assault can be used to prosecute domestic violence. The NGO All Against Violence (TCV), which registered 620 cases of domestic violence in 2003, noted that many women did not report such cases due to fear of retaliation by their husbands or inaction by the police.

For years, TCV has served as a monitoring and educational group for problems of domestic and sexual abuse of women and children; however, during the year, the organization largely collapsed due to lack of funding, leaving an information gap.

The law prohibits rape, but not spousal rape. The law was not effectively enforced, and rape trials rarely occur. Many of these suspects are held for an extended period of pretrial detention until a settlement is made.

Prostitution is illegal; however, the practice was widespread and particularly prevalent along major transportation corridors and

border towns where long-distance truckers stayed overnight. Young women with unemployed parents were at the greatest risk for being drawn into prostitution. There were reports that police officers sexually abused prostitutes and demanded money in exchange for allowing them to work; such cases were rarely reported in the media.

Numerous development organizations and health-oriented NGOs emphasized programs to improve women's health and increasingly focused resources on combating the spread of HIV/AIDS and sexually transmitted diseases among sex workers.

Sexual harassment was regarded as pervasive in business, government, and education, although no formal data existed.

In August, the new revised Family Law was adopted, which raises the marriage age to 18 for both sexes, eliminates husbands' de facto status as heads of families, and legalizes civil, religious, and common law unions. The law does not legally recognize polygyny; however, women in polygynous marriages are granted full marital and inheritance rights. The law is particularly important because many, perhaps most, citizens are married through customary law rather than religious ceremony; the law clarifies women's legal rights with regard to property, child custody, and other issues.

The adoption of the Family Law increases the status of women and standardizes rights that had previously varied greatly within the country, depending on regional interpretation of customary law; however, many women knew little or nothing about the new law, and customary law will still be practiced de facto in many parts of the country. In some places, a woman had no recourse to the judicial branch for enforcement of the rights provided her by the civil codes, particularly in the northern part of the country, while other areas respected access to the judicial branch for women in common law marriages. Women were the primary cultivators of family land in the country; however, under customary law, they have had no rights to the disposition of the land.

The Constitution grants citizenship to the foreign-born wife of a male citizen, but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination in practice. Women constituted slightly more than half the population but were responsible for two-thirds of economic production. Women in the workplace received lower pay than men for the same work. According to parliamentarians women were subject to sexual harassment and to discrimination in hiring because of potential absences on maternity leave; although the labor law entitles a woman to 60 days of maternity leave, employers often violated this right.

#### Children

The Government made children's rights and welfare a priority; however, significant problems remained. With the assistance of the Community Development Foundation (FDC) and UNICEF, the Government undertook a legal review of children's rights; however, it had not resulted in any policy changes by year's end.

Although the law provides for tuition-free primary education, school officials regularly charged a matriculation fee for each child, which was a significant financial burden for many families. Children with a certificate that testifies that the parents are below a certain poverty level do not pay any matriculation fees; however, often this was not respected in practice. Primary education was compulsory through the fifth year; however, there were few educational facilities, which limited enrollment. The number of primary schools in the country increased slightly during the year; however, schools were still overcrowded, and there was widespread corruption in the school system. In January, the Ministry of Education reported that over 1 million children of school age would be unable to attend primary school during the year due to lack of space in classrooms. The Ministry also reported that 2.8 million children were enrolled in primary school in 2003, which meant that approximately 30 percent of all children did not attend primary school. The Ministry of Education estimates that nearly 50 percent of primary school graduates will move on to secondary school this year, representing a significant mark-up in recent years. Many secondary schools still do not have a full curriculum through the twelfth grade and graduation rates are very low. Girls continued to have lower enrollment numbers than boys at the secondary school level, especially in rural areas, due to family decisions regarding education.

Newspapers frequently reported that the parents of school children had to bribe teachers or officials to enroll their children in school. Parents were often willing to make payments because they knew classroom space was insufficient for all children wishing to attend school, particularly from the eighth grade onward. Other reports indicated that girls exchanged, or were forced to exchange, sex with teachers for passing grades.

The Government took steps to address the problems of the approximately 500,000 children orphaned by HIV/AIDS in the country. Several government agencies, including the Ministries of Health and Women and Social Action developed programs to provide health assistance and vocational education for HIV/AIDS orphans. The problem was highly visible in public discourse and received significant media attention.

The National Institute of Statistics estimated that 55 percent of child deaths in the country resulted from malnutrition or related illnesses. During the year, the Government expanded a vaccination initiative and a program to manage childhood illnesses.

The Ministry of Women and Social Action and other agencies worked together with UNICEF to develop a plan to increase the number of registered births. The majority of children in the country had not been formally registered, which limited their potential

access to education and health care. To address this problem, in August legislation extending registration from 60 to 90 days of the date of birth was signed into law.

Unlike in the previous year, there were no reports that police beat street children.

The trafficking of children for sexual exploitation remained a problem (see Section 5, Trafficking).

Child labor remained a problem (see Section 6.d.).

The country continued to have a problem with street children. There are no reliable numbers on the number of street children nationwide; however, the NGO Rede de Crianca, comprised of 33 community organizations that work with youth in Maputo, identified 3,419 street children who work in their programs.

The Maputo City Women and Social Action Coordination Office continued its program of rescuing abandoned orphans and assisting single mothers who head families of three or more persons. They also offered special classes to children of broken homes in local schools. Other NGO groups sponsored food, shelter, and education programs in all major cities. ASEM, in Beira, also provided counseling to parents who had expelled children from their homes, which usually happened when a wife has children who were unacceptable to a new husband.

#### Trafficking in Persons

There are no specific laws that prohibit trafficking in persons, and there were numerous reports of trafficking. Trafficking in persons can be prosecuted under violations of labor, immigration, and child labor laws committed while trafficking. In 2002, there were seven cases in which exploiters were charged with indecent assault of a minor; penalties ranged from 2 to 8 years.

Exploitation of children below the age of 15 continued, and child prostitution remained a problem. The law does not specify an age of sexual consent; however, offering or procuring of prostitution and pornography of any form, including that of children, is illegal under the Penal Code. Sexual abuse of a child under 16 also is illegal under the Penal Code. Persons engaged in child prostitution, use of children for illicit activities, child pornography, child trafficking, or forced or bonded labor may be punished by prison sentences and fines; however, perpetrators of these crimes rarely were identified and prosecuted and punishments were not commensurate with that of a serious crime.

The country is a point of origin for trafficked women and children. Poverty, a history of child migration, and weak border controls all contributed to trafficking. In May 2003, the IOM reported that approximately 1,000 Mozambican women and children were trafficked to South Africa every year. The report noted that victims include both sex workers and non-sex workers. Many of the women trafficked were sold to brothels in Johannesburg or sold as concubines or "wives" to mineworkers in South Africa. Boys were trafficked as laborers on South African farms. Victims came from both urban and rural backgrounds and were often promised better jobs in South Africa. Once there, they were threatened with their legal status and forced to work for little or no pay. Traffickers included small networks of citizens based in Maputo and Nampula, and there were reports that organized crime groups were involved.

Child prostitution appeared to be most prevalent in Maputo, Nampula and Beira, and at border towns and overnight stopping points along key transportation routes. Child prostitution reportedly was growing in the Maputo, Beira, and Nacala areas, which have highly mobile populations and a large number of transport workers. Child prostitution was reported in Sofala and Zambezia province. Some NGOs were working with child prostitutes by providing health care, counseling, and training in other vocations.

The law prohibits the access of minors to bars and clubs; however, the Government did not have adequate resources to enforce the law effectively. During the year, the Government trained police to aid child prostitutes and held a series of seminars to assist police in handling cases of child sexual abuse.

Investigations into the 2003 cases of two street vendors accused of trying to sell two children to a "witch-doctor" in the Maputo suburb of Magoanine and a Burundian citizen was arrested in Cuamba, in the northern province of Niassa, accused of abducting four young girls with the intent of trafficking them out of the country were ongoing at year's end.

During the year, the Government continued its Campaign Against Trafficking of Children, which included various anti-trafficking and public awareness programs. In addition, the Government continued a pilot program at three police stations to assist child victims of trafficking.

#### Persons with Disabilities

The law provides that citizens with disabilities shall enjoy fully the same rights that it provides for all citizens; however, the Government provided few resources to implement this provision. Representatives of disabled groups and injured veterans frequently protested that societal discrimination continued against persons with disabilities. Approximately 1.9 percent of citizens have physical or mental disabilities.

Concerns of persons with disabilities included access to socioeconomic opportunities and employment, accessibility to buildings and transportation, and a lack of wheelchairs. The only provisions that the Government has enacted for accessibility to buildings and transportation for persons with disabilities were in the electoral law governing the needs of voters with disabilities in the polling booths. Special access facilities were rare. There were few job opportunities for persons with disabilities in the formal sector.

The Government only provided four schools nationwide for the hearing and vision impaired and for persons with physical and mental disabilities. The government-operated mental health facilities; however, conditions were extremely poor.

The Association of Disabled Mozambicans (ADEMO), the primary advocacy group in the country for persons with disabilities, reported that the Government was beginning to have a more positive attitude towards persons with disabilities. The group worked closely with the Government to start a disabled sports federation, which it expects to be launched by year's end. ADEMO also reported that in August the Government offered duty exemption for 500 wheelchairs donated by the Wheelchair Foundation.

#### National/Racial/Ethnic Minorities

There was no systematic mistreatment or discrimination on the basis of race or ethnicity; however, the FRELIMO Government traditionally has included at all levels a large number of southerners, mostly from the Shangaan ethnic group, which has engendered complaints from residents of other parts of the country. There also were complaints that the Government favored economic development in the southern part of the country over other areas. The Government has taken several steps to address such concerns: The central and northern provinces feature prominently in the Government's 5-year development plan, economic and social plan, poverty alleviation strategy, and investment incentive program, and the President, Prime Minister, and Cabinet members continued to spend a significant amount of time in the provinces during the year. The executive, judicial, and legislative branches included officials from central and northern parts of the country in senior positions.

#### Other Societal Abuses and Discrimination

Persons with HIV/AIDS were often fired from their jobs or rejected by their families, according to the Special Rapporteur of the U.N. Commission on Human Rights (UNCHR), who visited the country in December 2003.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides that all workers are free to join or refrain from joining a trade union, and workers exercised these rights in practice. Membership among the country's 13 unions was approximately 200,000, which is approximately 3 percent of the available work force. A much higher percentage of workers in the formal sector were in labor unions. Some unions alleged that the Organization of Mozambican Workers, the largest union federation, was not independent of FRELIMO.

##### b. The Right to Organize and Bargain Collectively

The law protects the right of workers to organize and engage in collective bargaining. Less than 2 percent of the work force was in collective bargaining contracts. The Government did not set private sector salaries; existing unions were responsible for negotiating wage increases. The Consultative Commission on Labor met periodically to negotiate changes in the minimum wage. The Center for Arbitration, Conciliation, and Mediation helped settle business-to-business problems through binding arbitration.

The Constitution explicitly provides for the right to strike, with the exception of civil servants, police, military personnel, and other essential services (which include sanitation, fire fighting, air traffic control, health care, water, electricity, fuel, post office, telecommunications, and funeral services), and workers exercised this right in practice. The law specifies that strikers must notify police, the Government, union, and employers 48 hours in advance of intended strikes. The law forbids retribution against strikers, the hiring of substitute workers, and lockouts by employers. Specific labor disputes generally were arbitrated through special workers' committees, formally recognized by the Government.

There are export processing zones (EPZs) in Maputo and in Beira. Workers in EPZs are subject to the same labor regulations as other workers, and worker rights were generally respected in practice.

##### c. Prohibition of Forced or Compulsory Labor

The Government prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred in the formal economy; however, children in rural areas were used as labor to settle financial and other disputes (see Section 6.d.).

##### d. Prohibition of Child Labor and Minimum Age for Employment

The law regulated child labor; however, child labor remained a problem. In the wage economy, the minimum working age without restrictions is 18 years of age. The law permits children between the ages of 15 and 18 to work subject to certain restrictions and the employer is required to provide for their education and professional training and to ensure conditions of work that are not damaging to their physical and moral development. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For minors under 18 years, the maximum workweek is 38 hours, and the maximum workday is 7 hours. Minors under 18 years of age are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law, children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher.

Because of high adult unemployment in the formal sector, few children were employed in regular wage positions; however, children, including those under the age of 15, commonly worked on family farms; independently in seasonal harvests or commercial plantations, where they were paid on a piecework basis and principally involved picking cotton or tea leaves; or in the urban informal sector, where they performed such tasks as guarding cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets. The International Labor Organization estimated that between 30 and 35 percent of children ages 10 to 14 were working in the informal sector. Children also were increasingly employed as poorly paid domestic laborers.

Children orphaned by HIV/AIDS often were forced to work because they were left without any adult family members or with only extended family members who were unable to support them.

Forced child labor was a problem. Children in rural areas were used as labor to settle financial and other disputes, with their families delegating the children to work for limited periods of time to settle debts.

The Ministry of Labor is authorized to regulate child labor in both the informal and formal sectors. Labor inspectors may obtain court orders and use police to enforce compliance with child labor provisions, and violations of child labor provisions are punishable with fines. Enforcement mechanisms generally were adequate in the formal sectors but remained inadequate in the regulation of informal child labor. The Labor Inspectorate and police forces lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital. The Government provided training for police on child prostitution and abuse (including pornography); however, there was no specialized child labor training for the Labor Inspectorate. The Government disseminated information and provided education about the dangers of child labor.

#### e. Acceptable Conditions of Work

During the year, there was an approximately 15 percent increase in the minimum wage to \$55 (1,100,000 meticais) per month for industrial workers and \$39 (790,000 meticais) per month for agricultural workers; however, neither minimum wage provided a decent standard of living for an average worker and family. Many workers turned to a second job, if available; maintained their own gardens; or depended on the income of other family members to survive. Only a small percentage of laborers worked at the minimum wage level. Less than 10 percent of workers were in salaried positions, and the majority of the labor force was employed in subsistence farming and the informal sector. Although the industrial sector frequently paid above minimum wage, there was little industry outside of the Maputo area.

The Ministry of Labor is responsible for enforcing the minimum wage rates in the private sector and the Ministry of Planning and Finance in the public sector. Violations of minimum wage rates usually were investigated only after workers registered a complaint. It was customary for workers to receive benefits such as transportation and food in addition to wages.

The standard legal workweek is 40 hours, but can be extended to 48 hours. After 48 hours, overtime must be paid at 50 percent over base hourly salary. Overtime is limited by law to two hours per day and 100 hours per year. Foreign workers are protected under the law.

Worker complaints about employers deducting social security contributions from wages but failing to pay them into accounts and lack of access to the Social Security system continued during the year.

In the small formal sector, health and environmental laws enacted to protect workers; however, the Ministry of Labor enforced these laws ineffectively, and the Government only occasionally closed firms for noncompliance. There continued to be significant violations of labor legislation in many companies and services. In the first 6 months of the year, the Ministry of Labor estimated that there were 154 industrial accidents, 6 of which resulted in death. Most of these accidents were blamed on unsafe practices or the lack of safety equipment. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment; however, in practice this right was restricted by threats of dismissal and peer pressure.